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## Senate

The Senate met at 11 a.m. and was called to order by the Honorable SHELLEY MOORE CAPITO, a Senator from the State of West Virginia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, thank You for Your great mercies for us, for while we are yet seeking You, You find us. Before we call, You answer, and while we are speaking, You fulfill Your purposes.

Guide our lawmakers on their legislative pilgrimage. Lord, provide them with a spirit of wisdom so that they will be able to discern what is best. May they strive to honor You in their thoughts, words, and actions. Help them to faithfully seek truth and justice for all rather than privilege for a few.

O God, give us all the courage to go forth to live as we have prayed.

We pray in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, April 28, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable SHELLEY MOORE CAPITO, a Senator from the State of West Virginia, to perform the duties of the Chair.

ORRIN G. HATCH,  
President pro tempore.

Mrs. CAPITO thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### CONTINUING RESOLUTION AND COAL MINER HEALTHCARE BENEFITS

Mr. MCCONNELL. Madam President, with cooperation from our friends across the aisle, the Senate will pass a short-term continuing resolution before this evening so Members of both parties can continue to work on a longer term solution.

The legislation should pass today, and it will carry us through next week so that a bipartisan final agreement can be reached and so the Members will have time to review the legislation before we take it up.

Importantly, this 1-week extension will ensure that thousands of retired coal miners and their families, including many in my home State of Kentucky and in the home State of the Acting President pro tempore, West Virginia, will not lose their healthcare benefits.

Protecting these miners and their families from losing their healthcare has been a top priority of mine as well as the occupant of the Chair. Last year, I fought for a long-term extension of healthcare benefits, and earlier this year, I introduced my own bill to provide a permanent fix for miners' healthcare. I will continue to fight on their behalf to secure a permanent solution on this issue in the larger funding bill.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Vermont.

Mr. LEAHY. I thank the distinguished Acting President pro tempore.

### CONTINUING RESOLUTION

Mr. LEAHY. Madam President, as we know, the Senate is considering a stopgap—continuing resolution—to keep the government of the American people open for business. The stopgap, of course, helps us forget the fact that in November we had all the appropriations bills ready to go, but the leadership asked us to hold it off.

Now, I am going to support this 1-week continuing resolution, because I believe we are close to a bipartisan agreement that would avoid the devastating consequences of a government shutdown and save the Congress from once again facing the disruption and humiliation of failing to meet Congress's obligation to fund the basic functions of our government.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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But we shouldn't be in this situation. We shouldn't have allowed partisan politics to once again turn a looming deadline into a political standoff and what is really a manufactured crisis.

As I have said, our work could have been and should have been completed in November. We were prepared to do that. We were 90 percent to the finish line—98 percent, actually, to the finish line. Republicans and Democrats had worked together. But at the request of then-President-Elect Trump, all work ground to a halt. For 5 months we have faced one partisan obstacle after another from the Trump administration, including a demand to fund a misguided wall on the southern border at the expense of billions of dollars that would have to be paid for—not by Mexico or anybody else. It would be paid for by the American taxpayers. The administration then threatened to hold hostage the basic health insurance of millions of Americans, crippling the Affordable Care Act. This is more than insulting. It is malicious, and it is wrong.

Now the other side of the aisle is holding the budget of the American people hostage, insisting we include dozens of poison pill riders as the price for funding the people's government and to advance their partisan agenda on abortion, Dodd-Frank, Wall Street reforms, and the environment.

The Republicans control both Houses of Congress and the White House. If they want to pass legislation on these divisive issues, then bring the bills to the floor and vote on them, instead of trying to hide them in an appropriations bill. If they really believe in all these poison pill amendments, then vote on them. Bring up legislation. They control the House and the Senate. They can bring it up anytime they want.

Partisan politics should not be tied to must-pass spending bills, because it is never the right time to play politics with the lives of the American people and the government of the wealthiest and most powerful Nation on Earth.

I think it is very obvious why they want to hide them in an appropriations bill. They don't want to vote on it and give great speeches on the wall, on our southern border. They know that they don't have enough Republican votes to pass it.

One party now controls the White House and both Chambers of Congress. It is incumbent upon the Republicans to ensure that the government of the American people stays open and is fully funded. I am afraid that the partisan bluster threatens to derail months of bipartisan negotiations.

As vice chairman of the Senate Committee on Appropriations, I have been involved in those negotiations. Charles Kieffer and Chanda Betourney have worked almost around the clock for weeks representing us on the Appropriations Committee. If the bluster and the posturing would stop, we could wrap this up.

I hope that with one more week, our bipartisan and our bicameral negotiations, consistent with the bipartisan budget agreement and without poison pills, can continue, because this is no way to govern.

To date, negotiations have produced many positive outcomes for the American people. We have increased investments in the National Institutes of Health. We secured full year Pell grants. We made investments in transit.

As to something that should be of concern to every single Senator from every single State, we made funding available to address the opioid crisis. That is not a Democratic or Republican issue. That is a human issue. Every single State in this country is facing an opioid crisis. I am pleased that Republicans and Democrats came together to address it.

Let's not govern by partisan manufactured crises. Let's do what the American people expect us to do and come together to pay the bills of our country. Stop posturing. We are the greatest democracy on Earth, the most powerful and the wealthiest Nation on Earth. Let's start acting that way. Let's start governing as we should. Let's not hide these divisive issues in an appropriations bill. Let's have votes straight up or down. Let people vote and show their constituents, the American people, where they stand. Don't hide behind a must-pass appropriations bill. It is not the way we should govern. It is not the way I want to do it. I am perfectly willing to cast votes on major issues, even if they are controversial.

We have 6-year terms here. We ought to be willing to be the conscience of the Nation. That is what the Senate is supposed to be. In my years here, I have seen times when we have been under both Republican and Democratic leadership. We are not acting as the conscience of the Nation now. We have to go back to that. I really hope we will.

We have good men and women in this body on both sides of the aisle. Let's start showing the conscience of this great Nation. Let's start governing in reality, not by rhetoric. Governing is not a Twitter feed. Governing is debating the issues and coming to a conclusion for the American people.

I see nobody else seeking recognition. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KENNEDY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### CONTINUING RESOLUTION

Mr. SCHUMER. Mr. President, first, I wish to speak on the appropriations bill. We still have several issues to address. Our Republican friends, mostly in the House—I want to say that my friend the Republican leader is working hard to get a good bill done, and I appreciate that, but Republicans are holding us up on some critical poison pill riders.

We have made good enough progress. The four corners of the negotiations—the Appropriations chairmen and the ranking members in both Chambers and the House and Senate leadership were negotiating until 1:30 a.m. last night. I want to thank all of the staff who worked so hard and stayed up so late to bring us closer to an agreement. They have done heroic work, and I am happy to report that, if we get an agreement, we will see increases in NIH funding, year-round Pell grants, and housing assistance in the underlying omnibus bill.

We are willing to have a voice vote on a short-term extension of the government funding in the hopes that we can wrap this up early next week. As I said last night, there is still a handful of unresolved poison pill riders, fewer than there were yesterday at 6 o'clock because of the work they did overnight, but there are still some out there.

I want to reiterate the Democratic position. We don't want them—zero. We are happy to pass a clean, bipartisan appropriations bill, which is the way this process is supposed to work. On the more controversial issues, we can have a debate in regular order. They shouldn't be stuck in these bills with no debate and no discussion and no votes—no regular order voting.

I am confident that we can get there if both sides realize that these important debates on policy should be left with the regular order process and in full view of the public.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 99, which was received from the House today.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The bill clerk read as follows:

A joint resolution (H.J. Res. 99) making further continuing appropriations for fiscal year 2017, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the joint resolution be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution was ordered to a third reading and was read the third time.

Mr. MCCONNELL. I know of no further debate on the joint resolution.

The PRESIDING OFFICER. Is there any further debate?

Hearing none, the joint resolution having been read the third time, the question is, Shall the joint resolution pass?

The joint resolution (H.J. Res. 99) was passed.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, for the information of our colleagues, the next vote will be on Monday at 5:30 p.m., cloture on an SEC nomination.

We expect the House to send us an Omnibus appropriations bill midweek, and we will consider it as soon as it arrives.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 36, Jay Clayton to be a member of the Securities and Exchange Commission.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Jay Clayton, of New York, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2021.

#### CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Jay Clayton, of New York, to be a member of the Securities and Exchange Commission for a term expiring June 5, 2021.

Mitch McConnell, John Cornyn, Tom Cotton, Dan Sullivan, Shelley Moore Capito, John Barrasso, Roger F. Wicker, Mike Rounds, Orrin G. Hatch, Bill Cassidy, Pat Roberts, Mike Crapo, Lamar Alexander, Richard Burr, John Thune, Jerry Moran, James E. Risch.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the man-

datory quorum call with respect to the cloture motion be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote on the Clayton nomination occur at 5:30 p.m. on Monday, May 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

### LEGISLATIVE SESSION

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### VOTE EXPLANATION

Mr. PETERS. Mr. President, I was unable to attend yesterday's vote on the nomination of R. Alexander Acosta to be Secretary of Labor. Had I been able to attend, I would have opposed the nomination.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 11:44 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 496. An act to repeal the rule issued by the Federal Highway Administration and the Federal Transit Administration entitled "Metropolitan Planning Organization Coordination and Planning Area Reform".

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1694. An act to require additional entities to be subject to the requirements of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

H.J. Res. 99. Joint resolution making further continuing appropriations for fiscal year 2017, and for other purposes.

### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1694. An act to require additional entities to be subject to the requirements of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes; to the Committee on the Judiciary.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1462. A communication from the Acting Deputy Secretary of Agriculture, transmitting pursuant to law, the 2016 Packers and Stockyards Program Annual Report; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1463. A communication from the Acting Deputy Secretary of Agriculture, transmitting, pursuant to law, a report of a violation of the Antideficiency Act by the Department of Agriculture's Farm Service Agency; to the Committee on Appropriations.

EC-1464. A communication from the Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Iran-Related Multilateral Sanctions Regime Efforts" covering the period August 7, 2016 to February 6, 2017; to the Committees on Banking, Housing, and Urban Affairs; Finance; and Foreign Relations.

EC-1465. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision to an Entry on the Entity List" (RIN0694-AH32) received during adjournment of the Senate in the Office of the President of the Senate on April 26, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-1466. A communication from the Chief of the Policy, Performance, and Management Programs Division, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Endangered Species Status for Rusty Patched Bumble Bee" (RIN1018-BB66) received in the Office of the President of the Senate on April 27, 2017; to the Committee on Environment and Public Works.

EC-1467. A communication from the Deputy Chief of the National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the final map and boundary for the Ontonagon Wild and Scenic River, in Michigan, added to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC-1468. A communication from the Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (P.L. 107-243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102-1) for the December 8, 2016-February 6, 2017 reporting period; to the Committee on Foreign Relations.

EC-1469. A communication from the Acting Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Administration's FAIR Act 2014 and 2015 Commercial Activities Inventories, the FAIR Act 2014 and 2015 Inherently Government Inventories, and the 2014

and 2015 FAIR Act Executive Summaries; to the Committee on Homeland Security and Governmental Affairs.

EC-1470. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the Assisted Outpatient Treatment Pilot Program for fiscal year 2016; to the Committee on Health, Education, Labor, and Pensions.

EC-1471. A communication from the Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits" (29 CFR Part 4022) received in the Office of the President of the Senate on April 26, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-1472. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, two (2) reports relative to vacancies in the Department of Homeland Security, received in the Office of the President of the Senate on April 24, 2017; to the Select Committee on Intelligence.

EC-1473. A communication from the Acting Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Administration's decision to enter into a contract with a private security screening company to provide screening services at Greater Rochester International Airport (ROC); to the Committee on Commerce, Science, and Transportation.

EC-1474. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Ohio River Miles 803.5 to 804.5, Henderson, KY" ((RIN1625-AA00) (Docket No. USCG-2017-0174)) received in the Office of the President of the Senate on April 26, 2017; to the Committee on Commerce, Science, and Transportation.

EC-1475. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Unexploded Ordnance Detonation; Naval Base Kitsap, Elwood Point; Bremerton, WA" ((RIN1625-AA00) (Docket No. USCG-2017-0313)) received in the Office of the President of the Senate on April 26, 2017; to the Committee on Commerce, Science, and Transportation.

EC-1476. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; 2017 Key West Paddle Classic, Key West, FL" ((RIN1625-AA00) (Docket No. USCG-2017-0066)) received in the Office of the President of the Senate on April 26, 2017; to the Committee on Commerce, Science, and Transportation.

EC-1477. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Lake Ferguson; Greenville, MS" ((RIN1625-AA08) (Docket No. USCG-2017-0189)) received in the Office of the President of the Senate on April 26, 2017; to the Committee on Commerce, Science, and Transportation.

EC-1478. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Tred Avon River, between Bellevue, MD and Oxford, MD" ((RIN1625-AA08) (Docket No. USCG-2017-0077)) received in the Office of the President of the Senate on April 26, 2017; to the Committee on Commerce, Science, and Transportation.

EC-1479. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Ohio River MM 598-602.7, Louisville, KY" ((RIN1625-AA08) (Docket No. USCG-2017-0238)) received in the Office of the President of the Senate on April 26, 2017; to the Committee on Commerce, Science, and Transportation.

EC-1480. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Wy-Hi Rowing Regatta; Detroit River, Trenton Channel; Wyandotte, MI" ((RIN1625-AA08) (Docket No. USCG-2017-0217)) received in the Office of the President of the Senate on April 26, 2017; to the Committee on Commerce, Science, and Transportation.

EC-1481. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Red Bull Air Race - San Diego 2017; San Diego Bay, CA" ((RIN1625-AA08) (Docket No. USCG-2017-0096)) received in the Office of the President of the Senate on April 26, 2017; to the Committee on Commerce, Science, and Transportation.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BLUNT (for himself and Mr. REED):

S. 989. A bill to amend the Public Health Service Act to provide for the participation of pediatric subspecialists in the National Health Service Corps program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MORAN (for himself, Mr. UDALL, Mr. DAINES, and Mr. WARNER):

S. 990. A bill to modernize Government information technology, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

#### ADDITIONAL COSPONSORS

S. 324

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 324, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 425

At the request of Mr. CARDIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 425, a bill to amend the Internal Revenue Code of 1986 to improve the historic rehabilitation tax credit, and for other purposes.

S. 445

At the request of Mr. CARDIN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Massa-

chusetts (Ms. WARREN), the Senator from Hawaii (Ms. HIRONO) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 445, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 486

At the request of Mr. PORTMAN, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 486, a bill to amend title XVIII of the Social Security Act to provide for the non-application of Medicare competitive acquisition rates to complex rehabilitative wheelchairs and accessories.

S. 652

At the request of Mr. PORTMAN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 652, a bill to amend the Public Health Service Act to reauthorize a program for early detection, diagnosis, and treatment regarding deaf and hard-of-hearing newborns, infants, and young children.

S. 836

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 836, a bill to amend the Federal Credit Union Act to exclude a loan secured by a non-owner occupied 1- to 4-family dwelling from the definition of a member business loan, and for other purposes.

S. 880

At the request of Ms. BALDWIN, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 880, a bill to ensure the use of American iron and steel in public water systems, and for other purposes.

S. 915

At the request of Mr. BROWN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 915, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 947

At the request of Ms. HASSAN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 947, a bill to protect passengers on flights in air transportation from being denied boarding involuntarily, and for other purposes.

S. CON. RES. 12

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. Con. Res. 12, a concurrent resolution expressing the sense of Congress that those who served in the bays, harbors, and territorial seas of the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, should be presumed to have served in the Republic of Vietnam for all purposes under the Agent Orange Act of 1991.

S. RES. 109

At the request of Mr. PAUL, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. Res. 109, a resolution encouraging the Government of Pakistan to release Aasiya Noreen, internationally known as Asia Bibi, and reform its religiously intolerant laws regarding blasphemy.

#### ORDERS FOR MONDAY, MAY 1, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, May 1; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session and resume consideration of the Clayton nomination as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator CANTWELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Democratic leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE PRESIDENT'S FIRST ONE HUNDRED DAYS

Mr. SCHUMER. Mr. President, tomorrow will be President Trump's 100th day in office. This week, we Democrats have spent each day highlighting how this President has broken or failed to fulfill promise after promise to the working men and women of America on issue after issue—on jobs and the economy, on healthcare, and on draining the swamp.

Earlier today, my colleagues talked about how the President's budget is another example of his tendency to promise one thing and then do another. Despite promising to address the issues of education, infrastructure, and scientific research, the President's budget takes a meat ax to the funding for NIH and NSF, vital school programs, and transportation grants.

This morning, I want to touch on a few examples of the broken promises that characterize the President's first 100 days, broken promises to the working men and women of America.

In the campaign, he ran as a populist against both the Democratic and Re-

publican establishments. He is governing from the special interest-laden hard right—far, far away from where the American people want him to go.

In the President's scramble to show some progress before his 100th day, he has rushed to make progress on the wall, healthcare, and taxes. This desperate sprint has only left these three efforts more damaged than before.

First, on the wall, we were progressing nicely on a bipartisan agreement to keep our government open and running until the President stepped in to muck up the process by insisting on funding for his wall on the Mexican border. This is a huge broken promise. Every time he mentioned this wall on the campaign trail, he insisted that Mexico would pay for it. This week he demanded that the American taxpayers pay for it and threatened to shut down the government over it. The Americans know that \$50 billion—if that is what the wall will cost—is far better spent laying broadband throughout America, rebuilding our roads and bridges—doing things that help Americans, not some ideological issue. Thankfully for the American people, the President failed.

Second, on healthcare, breaking his promise of insurance for everybody and lowering costs yet again, the President's healthcare bill rose from the dead and moved further to the right. It is hard to think of a bill worse than the first, but TrumpCare 2.0 has all the terrible aspects of round one, with even more cruelty placed on the American people. TrumpCare 2.0 would still leave millions without coverage, raise rates dramatically on 50- to 64-year-olds, and also take us back to the day when insurance companies could deny coverage to those with preexisting conditions. Once again, the President failed.

Finally, the President's tax plan was another huge broken promise. As a candidate, Trump promised to lower taxes for middle-class Americans, but his Secretary of Treasury can't even guarantee the plan will do so. The President could have worked with Democrats on taxes, but he chose to focus on the wealthy instead of the middle class.

To be clear, the President's tax plan is a wish list for billionaires, not a serious proposal. The Trump tax plan is designed to cut Trump's taxes, those of his Cabinet, and those people of his wealth, not the taxes of the middle class.

Thankfully, this plan is yet another dead-on-arrival Trump proposal that has been panned by both Democrats and Republicans. The Trump tax plan pretty much sums up the dynamic of the first 100 days—promise for the working class; deliver for the wealthy. Frankly, it is why he has made such little progress.

These three actions this week, in the President's rush to try to prove that the 100 days isn't as bad as everybody is saying—the wall, TrumpCare, and the Trump tax plan—have made our point that his 100 days have been a failure better than we ever could.

President Trump could have chosen to spend his first 100 days working with Democrats to find consensus on issues like jobs, trade, outsourcing, and infrastructure—issues on which we have some common ground. I told him many times that if he governed from the middle, his Presidency would have some success. Instead, he abandoned his campaign populism in favor of a hard-right, special interest-driven agenda and chose to go at it alone without consulting or so much as considering the minority party. That is why he has been unable to make any progress on healthcare. That is why he has been unable to make any progress on his wall. That is why he has been unable to achieve any significant piece of legislation. In fact, of the 10 pieces of legislation the President promised in his first 100 days, he has achieved none of them. These are the bills the President promised to get done in his first 100 days—not a one.

The President's achievements to date consist of Executive orders—something he repeatedly derided during the Obama administration as an ineffective way to govern—and several bills passed under the Congressional Review Act. Keep in mind that many of these Executive orders simply direct Federal agencies to study issues. They are messaging tools that don't achieve anything. And many of the CRAs only benefit powerful special interests.

Compared to Franklin Roosevelt's first 100 days in which FDR passed 76 pieces of legislation, this can hardly be considered a record of effectiveness. And the contrast between the President's boasts and his actual record through the first 100 days is even starker when you consider just how much this President promised to deliver all these things. There is an air of unreality when he says it is the best 100 days ever—compared to Franklin Roosevelt? Come on, give me a break.

In fairness, candidates make a lot of promises. That is the nature of campaigning. We know that. But this President has made particularly outlandish promises to working Americans, summed up by a line he said in his campaign. He said to his supporters: "I will give you everything."

President Trump promised working Americans a cherry pie, but after 100 days, he has delivered only crumbs. If the President wants his next 100 days to be better than his first, he needs to abandon the "my way or the highway" approach, abandon his special interest-driven, pro-wealthy agenda, and start pursuing policies that actually help the middle class and those struggling to get there. We are willing to work with him if he does. But if he stays on his current path, abandoning the working people of America for the very wealthy, the next 100 days will be just like the first: a series of broken and unfulfilled promises and very few results for America's working families.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### OFFSHORE DRILLING

Ms. CANTWELL. Mr. President, President Trump, in his attempt to deflect focus from the 100-day performance in his administration is, today, throwing a Hail Mary pass to try to allow offshore oil and natural gas drilling to take place in very protected areas of our Outer Continental Shelf.

The President's approach is unlawful and should be withdrawn before taxpayers pay any amount of money to go forward with it. He is attempting to open up coastal areas to oil and gas production, and he is touting job creation as a factor in his decision. I believe that the economic numbers revealed today show that we need to be doing more, but I doubt that this approach will be a successful approach for more American jobs.

The truth is that instead of creating new jobs, President Trump is poised to favor sectors that will compete with the already growing and thriving industries of fishing, tourism, and recreation, and in some potential areas will also threaten defense issues where we could have a potential conflict.

The bottom line is that the BP *Deepwater Horizon* explosion and subsequent oil spill was a catastrophic human, economic and ecological disaster. Eleven members of the crew were killed in the explosion, and 17 others were injured. Oil spewed in the ocean for nearly 3 months, resulting in the largest oil spill disaster in the history of the United States.

In the end, the BP *Horizon* disaster resulted in 134 million gallons of oil spilled into the Gulf of Mexico; that is 12 times more than the *Exxon Valdez* tanker spill in 1989 in Alaska.

I should say that many attempts have been made by Democrats in Congress to make sure we continue to update our laws. But Republicans have repeatedly blocked legislation that would hold polluters liable for oil spills and improve offshore safety and environmental responses.

So today it is very frustrating that the President of the United States is proposing to roll back the important safety regulations that were put in place during the Obama administration. In fact, this book right here shows the *Deepwater Horizon* impact that was discussed by Members of Congress, the problems we had at the Department of Interior, and asked that these new regulations be put in place.

These regulations by the Obama administration helped put a new regime into place after *Deepwater Horizon*. But

now President Trump is bringing those regulations into question, suggesting that we should roll them back. He is even questioning the new regulations on blowout preventer systems and well control, which, if my colleagues will remember, was the centerpiece of the problem with *Deepwater Horizon*.

The blowout preventers used had not been tested; the information was not overseen and regulated properly. So after all of that damage was outlined in this report and we made sure to implement changes, now President Trump, in his first 100 days as the President of the United States, instead of coming up with a better economic strategy is simply saying: Roll back regulations on polluters as a strategy for moving forward.

President Obama had also put large portions of the Arctic and dozens of underwater canyons off the east coast permanently off limits to drilling during his time in office, using his authority under the Outer Continental Shelf Lands Act. In the finalized Offshore Oil and Gas Leasing Program for 2017–2022, the Obama administration removed the west coast, east coast, and Arctic waters from oil and gas exploration.

Why did he do that? He did that primarily because of the maritime economy. In Washington State alone, the maritime economy supports 148,000 jobs and \$30 billion in economic activity. Many of these parts of the United States could not afford to be devastated again by oil spills or exploration into ecologically sensitive areas like the Arctic.

I believe the Atlantic region was rightly removed due to strong local opposition, conflicts with other ocean uses, and market dynamics. The Department of the Interior recognized the potential environmental and economic impacts and competing ocean uses. For example, the economic value of commercial fishing in just the Mid-Atlantic region is worth more than \$1.5 billion, and ocean-dependent tourism is more than \$10 billion in the Atlantic region.

So I would say that the fishing economy, the tourism economy, and DOD's need for sea lanes in the Atlantic are all important, and we should not be trying to roll back Obama administration regulations in these areas. It is not surprising that there was significant opposition to the oil and gas leasing from citizens, local officials, and people who reside in these communities.

I can tell you, if this rule includes the west coast, there will be strong opposition from the State of Washington, the State of California, and the State of Oregon, where we are so dependent on healthy oceans and sustainable fisheries. We hope to clarify whether or not the west coast will be included in President Trump's executive order, but if it is, the west coast will speak loudly. From our shellfish growers to our vibrant commercial and recreational fisheries, and generations of families

who have to have sustainably harvested Dungeness crab, salmon, and halibut.

We do not want to put them at risk with offshore drilling. Not only would a spill impact our fisheries and habitat, but it could impact our Olympic National Marine Sanctuary. It would also have an impact on one of the busiest shipping lanes in the Strait of Juan de Fuca, in and out of Washington's busy, busy ports.

Washington's coast is a trade super-highway. Our shipping and trade economy is growing faster than ever. In the first quarter of this year, the total domestic and international container volume increased by 10 percent. In our State, this maritime economy is worth \$30 billion in economic activity. It supports over 148,000 jobs, in fishing, in seafood processing, in shipbuilding, and other maritime sectors.

Because of this importance, we believe in protecting the west coast. President George H.W. Bush signed the first Executive order banning offshore drilling in the Pacific in 1990. We would recommend that this President follow suit.

It is so unfortunate that this new effort to repeal protections is going forward, but I believe it is going to fail. Many know that this action is just an attempt to reverse the past President's withdrawal of sensitive areas, like in the Arctic and the Atlantic, and is not authorized. It is not authorized under the Outer Continental Shelf Lands Act, and, therefore, the President should not spend money. He should go back to the people who know the law and understand that this is a waste of taxpayer dollars.

I hope the President will dialogue with Congress about any of our ideas to stimulate our economy. I am happy to talk at any point in time about ideas that we have that will move our country forward, produce jobs, and help stimulate economic growth.

But expanding offshore drilling and exploration to areas that already have been limited and set aside by past Presidents is not the way to proceed. We need to make sure that an industry that has made mistakes is held accountable and recommendations that were in this report not be reversed back to the days before *Deepwater Horizon*. This is what we need to do to protect our vital maritime economy and make sure there are laws on the books that the oil and gas industry need to comply with.

I yield the floor.

ADJOURNMENT UNTIL MONDAY,  
MAY 1, 2017, AT 3 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 3 p.m. on Monday.

April 28, 2017

CONGRESSIONAL RECORD—SENATE

S2639

Thereupon, the Senate, at 12:26 p.m.,  
adjourned until Monday, May 1, 2017, at  
3 p.m.

DEPARTMENT OF DEFENSE

RYAN DEAN NEWMAN, OF NEW MEXICO, TO BE GEN-  
ERAL COUNSEL OF THE DEPARTMENT OF THE ARMY,  
VICE ALISSA M. STARZAK.

DAVID JOEL TRACHTENBERG, OF VIRGINIA, TO BE A  
PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE,  
VICE BRIAN P. MCKEON.

DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT

PAMELA HUGHES PATENAUDE, OF NEW HAMPSHIRE, TO  
BE DEPUTY SECRETARY OF HOUSING AND URBAN DE-  
VELOPMENT, VICE NANI A. COLORETTI.

DEPARTMENT OF COMMERCE

MIRA RADIELOVIC RICARDEL, OF CALIFORNIA, TO BE  
UNDER SECRETARY OF COMMERCE FOR EXPORT ADMIN-  
ISTRATION, VICE ERIC L. HIRSCHHORN.

DEPARTMENT OF THE INTERIOR

DAVID BERNHARDT, OF VIRGINIA, TO BE DEPUTY SEC-  
RETARY OF THE INTERIOR, VICE MICHAEL L. CONNOR.

NOMINATIONS

Executive nominations received by  
the Senate: